

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**MARK RISSINGER and
KRISTEN RISSINGER,**

Plaintiffs

v.

**STATE FARM INSURANCE
COMPANY,**

Defendant

: CIVIL ACTION NO. 1:14-CV-2439
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: (Chief Judge Conner)
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ORDER

AND NOW, this 30th day of June, 2015, upon consideration of defendant's motion (Doc. 4) to dismiss in part plaintiffs' complaint, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Defendant's motion (Doc. 4) to dismiss is DEEMED unopposed and GRANTED pursuant to Federal Rule of Civil Procedure 12(b)(6), to the following extent:
 - a. Plaintiffs' request for attorney's fees in Count I of the complaint is DISMISSED without prejudice. Plaintiffs shall be permitted to reassert said request should discovery of the insurance policy at issue reveal that said policy contains an agreement for attorney's fees.
 - b. Plaintiffs' insurance bad faith claim in Count II of the complaint is DISMISSED without prejudice.
2. Plaintiffs are granted leave to file an amended complaint within twenty (20) days of the date of this order that addresses the deficiencies described in the accompanying memorandum with respect to Count II. If plaintiffs fail to file an amended pleading within that time, Count II of the complaint shall be dismissed with prejudice.

3. In the absence of a timely filed amended complaint, the above-captioned action shall proceed on the remaining claim.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania